



#15
3-22-03
PATENT
4499-0105P
D. L. L. L.

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Pnina FISHMAN Conf.: 4072
Appl. No.: 09/700,751 Group: 1623
Filed: January 4, 2001 Examiner: Young
For: PHARMACEUTICAL COMPOSITIONS COMPRISING
AN ADENOSINE RECEPTOR AGONIST OR
ANTAGONIST

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SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

March 11, 2003

Sir:

Further to the response filed on February 27, 2003, in response to the Restriction Requirement mailed January 28, 2003, the following additional remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Response to Restriction Requirement

In the response of February 27, 2003, the requirement for restriction was traversed. In addition, Applicant elected the invention of Group XI, claims 10-12, 15-18, 20-21, 27 and 41-56, drawn to methods to treat abnormal cell growth such as cancer using an adenosine A3 receptor agonist (A3Rag) and requested rejoinder of Group XIII, claims 41-49, drawn to methods to treat abnormal cell growth using an adenosine A3 receptor agonist

(A3Rag) in combination with an adenosine A2 receptor agonist (A2Rag). The following remarks substantively discuss the rejoinder of Group XIII.

The present application is a national stage application filed under 35 U.S.C. §371 of International Application No. PCT/IL00/00550. As such, the present claims are to be considered for Unity of Invention as provided under the Articles and Rules of the PCT.

Under unity of invention,

[a] group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature....An apparatus or means is specifically designed for carrying out the process when the apparatus or means is suitable for carrying out the process with the technical relationship being present between the claimed apparatus or means and the claimed process. M.P.E.P. 1893.03(d)

The special technical feature of the claims of Groups XI and XIII is a method of treating abnormal cell growth, such as cancer, using A3Rag. The claims of Group XIII combine the treatment with A2Rag; however, the special technical feature of treatment using A3Rag is present in the claims of Group XIII. As such, the claims of Groups XI and XIII are linked by a common special technical feature, as required under considerations for Unity of Invention and rejoinder of Group XIII to elected Group XI is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *msw* (14 Do 40,069)

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SMALL ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents
Washington, DC 20231

March 11, 2003

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Petition for () month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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